Iranian Journal of International and Comparative Law
Volume 2, Issue 1, 2024

Nationality and Citizenship in the Laws of Nigeria: Acquisition and Loss of Nigerian Citizenship with a Comparative Analysis of the Laws of Other Nations

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Article Info

Article type:
Research Article

Article history:
Received
15 May 2024

Received in revised form
30 May 2024

Accepted
28 June 2024

Published online
30 June 2024

https://ijicl.qom.ac.ir/article_3215.html

Keywords:
Nationality and Citizenship Laws,
Comparative Analysis,
Dual Citizenship,
Statelessness,
International Private Law.

ABSTRACT

In the international arena, it is uncommon to find a nation with a comprehensive nationality law and citizenship policy, as complexities arise frequently across various contexts. This article seeks to explore some of these challenges, which are not confined to individual nations but are indeed global in nature. By examining the laws and policies regarding the acquisition and loss of citizenship in six randomly selected countries, this study aims to deepen the understanding of citizenship from domestic and international perspectives, clarifying states' positions on these pertinent issues. Through its analysis, the article highlights significant nuances within a broad legal framework that influences individuals' rights and obligations, irrespective of their nationality. It aspires to contribute to the ongoing discourse surrounding citizenship laws by thoroughly investigating these topics. The article is structured into sections, detailing the system of nationality law in Nigeria, along with a discussion of the relevant provisions in the selected nations. It addresses the matter of dual citizenship before examining laws concerning the loss of citizenship in other countries. Additionally, it considers the issue of statelessness in Nigeria and the measures taken to combat it. The article concludes with robust recommendations for nations to better uphold their citizens' inherent rightsl.

Cite this article: Maiwada Inuwa, Y., and Fazaeli, M. (2024). "Nationality and Citizenship in the Laws of Nigeria: Acquisition and Loss of Nigerian Citizenship with a Comparative Analysis of the Laws of Other Nations", *Iranian Journal of International and Comparative Law*, 2(1), pp: 129-150.

10.22091/ijicl.2024.11142.1101
Publisher: University of Qom

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Introduction

Nigeria is one of the few countries in the world that establishes an explicitly ethnic basis for its citizenship law.[1] These unique citizenship laws strongly emphasize belonging to a Nigerian Indigenous community as the primary determinant of citizenship status. Governed by the Nigerian Constitution and the Nigerian Citizenship Act, these laws outline the conditions and circumstances surrounding the acquisition and loss of citizenship. While the Constitution provides fundamental provisions on citizenship and nationality, the Citizenship Act delves into detailed regulations regarding the modes of acquiring and losing Nigerian citizenship. Chapter IV of the Constitution specifically addresses the various ways individuals can become Nigerian citizens, including by birth, registration, or naturalization, as well as the rights, privileges, and responsibilities associated with Nigerian citizenship. In contrast, the Citizenship Act offers comprehensive guidelines on citizenship status for individuals born in Nigeria, born outside Nigeria to Nigerian parents, or those seeking naturalization after residing in Nigeria for a specified period. Both legal frameworks address matters such as citizens' rights and duties, dual citizenship, and the processes involved in acquiring or losing Nigerian citizenship.

1. The Nigerian Nationality System

The current Nigerian nationality system is a unique blend of *jus sanguinis* and *jus soli* principles, differing from its previous approach to nationality before British colonization.[2] This system allows individuals to acquire citizenship through descent or birth within the country. This approach sets Nigeria apart from other nations while sharing similarities with certain aspects of global citizenship laws. We will compare Nigeria's nationality laws with those of other countries, focusing on key areas such as jus sanguinis, jus soli, dual nationality, naturalization, loss of citizenship, and statelessness, to understand how Nigeria's approach aligns with international norms.

Like many countries, Nigeria grants nationality based on descent, meaning that a child born

1 Browen Manby and Momoh Solomon, *Report on Citizenship Law: Nigeria* (European University Institute, Italy, July 2020) 1.

2 For a detailed history of citizenship law in Nigeria during the colonial period and the transition to independence, see Laurie Fransman, Adrian Berry, and Alison Harvey, *Fransman's British Nationality Law* (3rd edn, Bloomsbury Professional 2011).

to Nigerian parents is recognized as a citizen, regardless of the place of birth. This aligns with the laws of countries like Iran,[1] Germany,[2] Greece,[3] and Italy,[4] where citizenship is primarily inherited from parents. Additionally, Nigeria practices jus soli under specific circumstances, similar to Canada,[5] granting citizenship to individuals born on Nigerian soil, subject to certain exceptions and conditions.

While a country like Germany strictly adheres to the jus sanguinis principle, Nigeria integrates elements of both jus sanguinis and jus soli, with birth within the territory playing a role in acquiring citizenship. In contrast to Nigeria's stance on dual nationality, countries like Canada explicitly permit and even encourage dual citizenship with specific restrictions, while others, like Iran, do not support it.

The process for foreign nationals to acquire citizenship through naturalization also varies across countries. Nigeria outlines specific residency requirements and conditions that differ from those of countries like the United States or Canada, and it has links with countries like Iraq, Japan, and Greece.

Procedures for the loss of citizenship differ among nations, with Nigeria having provisions for loss of citizenship under certain circumstances. While fraud may not be grounds for deprivation of citizenship in countries like France, it is significant in Nigeria. Notably, Nigeria has a lower incidence of statelessness compared to countries like Iraq and Syria, due to its efforts to assist individuals in acquiring Nigerian citizenship and actively engage in initiatives aimed at eliminating statelessness. As a signatory to various conventions, Nigeria plays a role in addressing statelessness within its borders, which we will explore further.

2. Outline of Other Countries' Provisions on Acquisition of Citizenship

Iran, Iraq, Canada, Greece, Germany, and Italy each have unique approaches to citizenship acquisition that reflect their historical, cultural, and social contexts, yet there are commonalities among them. In this section, we will examine the citizenship acquisition provisions in these countries to identify common and recurring issues.

Iran emphasizes inclusivity by considering every resident a citizen, fostering a sense of community. An individual's foreign nationality is recognized if their nationality documents are not challenged by the Iranian government,[6] as stated in a sub-paragraph of Article 976 of the Civil Code. Several Iranian legal scholars argue that this provision implies the application of the pure jus soli principle.[7] However, such an interpretation is misleading, as it would render the rest of the nationality articles, particularly Articles 979, 980, and 983, meaningless. Reading this sub-paragraph in conjunction with other relevant articles indicates that it serves as a legal presumption, confirming the usual existing link between nationality and residency. In other

1 Civil Code of the Islamic Republic of Iran, 23 May 1928, Art. 976(2).
2 German Nationality Act 2021, s. 3(1).
3 Greek Citizenship Code, ch. A, De jure, art. 1.
4 Italian Citizenship Law No. 91/92, Art. 1.
5 Canada Citizenship Act RSC 1985, s. 3(1).
6 Civil Code of the Islamic Republic of Iran, 23 May 1928, s. 976(1).
7 Seyed Nasrolah Ebrahimi, *International Private Law* (Semat Publication, Tehran 2004) 110.

words, while drafting the nationality law, it was deemed appropriate to consider all individuals residing in the country as Iranians unless proven otherwise.[1] However, this presumption should only apply in exceptional cases today, as invoking this paragraph could lead to everyone being entitled to nationality by mere residence in the country. The country's modes of citizenship acquisition, including naturalization, foundling status, and registration, provide various pathways for individuals to become citizens, accommodating different circumstances.

In contrast, Iraq's focus on birthright citizenship and limited exceptions highlights a more rigid approach to citizenship acquisition. By requiring a connection to at least one Iraqi parent, the country aims to preserve its national identity and cultural heritage. Iraq's Nationality Law is based on the jus sanguinis doctrine, with nationality passed from parent to child. However, a child born in Iraq does not automatically acquire Iraqi nationality. There is also no provision for acquiring nationality through birth in the territory for a child who would otherwise be stateless (e.g., born to stateless parents or to parents who cannot confer nationality). Thus, the European Network on Statelessness and the Institute on Statelessness and Inclusion note that "statelessness is an intergenerational issue in Iraq."[2] Iraq's Nationality Law clearly outlines the conditions for acquiring Iraqi nationality. Article 3 states that a child born inside or outside of Iraq to an Iraqi father or mother, or a child found in Iraq with unknown parentage, shall be considered to have been born therein unless proven otherwise.[3]

Canada's approach to citizenship acquisition is characterized by flexibility, with both natural-born and naturalization pathways allowing a diverse range of individuals to become citizens.[4] This flexibility was particularly notable when Chrétien's government made several administrative changes to the naturalization process in the 1990s.[5] As Richet (2007) indicates, the necessity of an interview with a citizenship judge was called into question due to costs and delays in processing requests. In 1995, the Liberals introduced a standard 20-question multiple-choice citizenship test, along with a revised guidebook, *A Look at Canada*. To be invited to take the test, candidates had to be permanent residents who had lived in Canada for at least three years. They were required to study the citizenship guide, pass the test (correctly answering 12 of 20 questions), and swear allegiance to Canada and the Queen during a citizenship ceremony. Certain questions about voting rights and eligibility for public office had to be answered correctly (Citizenship and Immigration Canada, 2010b). Only individuals ages 17 to 59 were required to take the test. Those who did not pass were interviewed by a citizenship judge, who would then decide on the candidate's suitability for Canadian citizenship (Chapnick, 2011). With a pass rate of over 90 percent, the Canadian citizenship test was primarily symbolic. Requirements such as language proficiency and knowledge of Canada promote social cohesion and integration of new citizens. The country's merit-based criteria for naturalization align with its values of diversity and inclusion.[6]

1 Mahmood Saljouqi, *The Rules of International Private Law* (Vol. 4, Mizan, Tehran 2006) 86.
2 Stateless Journeys, *Statelessness in Iraq* (Country Position Paper, November 2019).
3 Iraqi Nationality Law [Iraq], s. 4, Law 26 of 2006, 7 March 2006.
4 Margaret Young, *Canadian Citizenship Act and Current Issues* (Law and Government Division, 1998).
5 To fully understand the historical background of citizenship and its provisions in Canada, see Elke Winter, *Report on Citizenship Law: Canada, Historical Background* (European University Institute, Florence 2015) 3-9.
6 Ibid, 9.

As for Greece, until 2010, Greek citizenship law provided five ways to acquire Greek citizenship (Greek Citizenship Code, Chapter A): *by birth* from Greek parents (Article 1, paragraph 1), or by birth on Greek soil if the child has no right to acquire any other foreign citizenship or their citizenship is unknown at the time of birth (Article 1, paragraph 2); *by recognition* of fatherhood, if the child is a minor at the time of recognition (Article 2); *by adoption* (Article 3); *by enlistment in the armed forces*[1] (Article 4); and by *naturalization* (Article 5).

The legislative reform of 2010 brought significant changes to the acquisition of citizenship by birth and naturalization. While it left untouched the provisions regulating the other three methods of acquiring citizenship—recognition, adoption, and enlistment in the armed forces—it introduced a new pathway for citizenship acquisition *by declaration*. The second paragraph of Article 1 states that "*Greek Citizenship is acquired upon the birth of a child in Greece if: a) one of the parents of the child was born in Greece and has been permanently domiciled in the country since his or her birth...*" This new provision represents a major innovation in Greek citizenship law by establishing the principle of double jus soli, which provides for the automatic acquisition of citizenship by foreign citizens belonging to the so-called "third generation." As noted in the preamble: "Given the fact that these persons have strong links to our country and that their parents were born in Greece and have integrated into Greek society, there is no doubt that they too will integrate."

The rule of automatic citizenship acquisition for the "third generation" has faced criticism as "illiberal" from conservative (Nea Dimokratia) and far-right (LA.O.S.) members of parliament, arguing that it grants Greek citizenship against an individual's will: *malgré lui*.[2] The acquisition of Greek citizenship "*by declaration and application*" is the most significant innovation introduced by the new law. Greek citizenship is granted to the children of immigrants born in Greece—provided that both parents have lawfully and permanently resided in Greece for at least five continuous years (Article 1A, paragraph 1). A child born before the completion of this five-year lawful and permanent residence acquires citizenship through their parents' declaration only after the fifth year. Parents must submit the declaration within three years of their child's birth. If no declaration is submitted within these three years, the right to submit a declaration expires. If the child wishes to acquire citizenship afterward, they may do so using other relevant provisions.[3]

Germany's adherence to jus sanguinis prioritizes ancestral ties in citizenship acquisition. Until January 1, 2000, one of the predominant features of German nationality law and practice—although not explicitly stated in the 1913 law—was that the acquisition of German nationality through naturalization was an exception rather than the norm. One of the main innovations of the 1999/2000 reform was the introduction of the ius soli principle in paragraph 4 of the law.

1 With special reference to foreign nationals of Greek origin that have been admitted to military academies or enlisted in the armed forces as volunteers.

2 The interest of these two parties in the free development of children's personalities would be genuine only if their cautiousness towards the acquisition of citizenship by immigrants' grandchildren also applies to the case of Greek citizens' grandchildren or children who acquire Greek citizenship or are given their names without being asked. With that in mind, it becomes evident that citizenship by birth does inescapably involve a certain element of constraint. But this constraint is rather unimportant given the fact that the person concerned is a minor. The same rationale applies when it comes to names.

3 For a further detailed explanation of the acquisition of Greek citizenship, see Dimitris Christopoulos, *Country Report: Greece* (European University Institute, Florence 2013).

Children of foreign parents acquire German citizenship on the condition that one parent has had lawful habitual residence in Germany for eight years and possesses a secure residence permit. Since January 2004, the threshold for acquisition by ius soli has been raised to require a settlement permit or, in the case of EU citizens, the right to free movement. Since the settlement permit necessitates a higher level of German language proficiency than the unlimited residence permit, which had been sufficient for naturalization before 2004, *ius soli* acquisition now requires a high degree of integration on the part of the foreign parent.

Another significant feature has been the facilitation of naturalization. A foreigner is now entitled to naturalization after a habitual lawful residence of eight years, reduced from the previous fifteen years. Additionally, naturalization is contingent upon several requirements, including a declaration of loyalty to the free and democratic constitutional order, possession of a regular residence permit or freedom of movement as an EU citizen, or an equally privileged right under the EEA Agreement. The foreigner must also demonstrate the ability to sustain themselves without recourse to social welfare or similar benefits (such as unemployment assistance), maintain a clean criminal record, and renounce or lose their previous nationality. The country faces challenges in balancing the preservation of German identity with the integration of diverse populations. Germany's citizenship laws are influenced by historical factors and ongoing efforts to address nationality and identity issues.[1]

In Italy, as in all modern legal systems, the primary mode of citizenship acquisition is through maternal or paternal *ius sanguinis*. Indeed, *ius sanguinis* is the cornerstone of the 1992 Citizenship Act,[2] which remains the main piece of legislation on the subject. Italian citizens at birth include those born to an Italian citizen or those born in Italy to unknown or stateless parents.

A distinctive feature of Italian legislation is that it imposes no limits on the transfer of citizenship by descent, even for individuals who migrated in the distant past. To maintain Italian citizenship, the 1992 Act does not require residence in the country for the descendants of Italians unless they have lost and not reacquired Italian citizenship for any reason. The number of 'latent Italians' who have sought recognition of their citizenship by applying for Italian passports abroad is substantial. According to data from the Ministry of Foreign Affairs, from 1998 to 2011, nearly 1 million passports were issued to Italians residing abroad (Tintori, 2012). This situation arises from the fact that individuals who have retained their status as Italian citizens applied for its recognition and obtained it. This development is also a result of the 1992 Act and its official acceptance of dual nationality; acquiring another nationality does not entail the loss of Italian citizenship.

3. Acquisition of Nigerian Citizenship (Current Citizenship Regime)

The citizenship provisions of the 1979 Constitution were largely repeated in the 1999 Constitution, which is still in force today. The Citizenship Acts of 1960 and 1961, repealed in 1974, have never been replaced, and the only law governing citizenship is the 1999 Constitution.[3] There are three

1 For a further detailed explanation of the acquisition of German citizenship, see Anuscheh Farahat and Kay Hailbronner, *Report on Citizenship Law: Germany* (European University Institute, Italy 2020).

2 Act No. 91 of 5 February 1992.

3 Manby and Solomon, Op. Cit. (2020) 1.

ways of acquiring Nigerian citizenship as outlined in the Constitution: by Birth, by Registration, and by Naturalization.

3.1. Birthright Citizenship

As stipulated in Section 25, [1] "The following persons are citizens of Nigeria by birth—namely:

a) every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belong or belonged to a community Indigenous to Nigeria; provided that a person shall not become a citizen of Nigeria under this section if neither his parents nor his grandparents were born in Nigeria.
b) every person born in Nigeria after the date of independence, either of whose parents or any of whose grandparents is a citizen of Nigeria; and
c) every person born outside Nigeria, either of whose parents is a citizen of Nigeria."

From this section, it follows that a person is a Nigerian citizen by birth if: (i) both parents are Nigerians, (ii) either parent is Nigerian, or (iii) any grandparent is Nigerian. This was affirmed in the case of *Shugaba v. Minister of Internal Affairs*,[2] where Adefila J. held that the deportation of the applicant was unconstitutional. Once a person proves Nigerian citizenship under the Constitution, they cannot be deported from Nigeria.

3.2. Registration

Registration methods include the marriage and non-marriage form.

3.2.1. Marriage

Nigeria's rules on acquisition through marriage discriminate based on the sex of the spouse. Section 26 of the Constitution allows a woman married to a Nigerian man to acquire citizenship by registration, but not a man married to a Nigerian woman.[3] Although this process is easier than naturalization, the acquisition of citizenship by a woman based on marriage is discretionary. The applicant must satisfy the president of her good character, show the intention to remain domiciled in Nigeria, and take the oath of allegiance.[4] A foreign husband of a Nigerian woman can only acquire citizenship through naturalization under the same terms as any other foreigner.

3.2.2. Born Abroad with a Nigerian Grandparent

Section 26 also allows for individuals born outside Nigeria, with at least one grandparent who is a Nigerian citizen, to acquire citizenship by registration. This provision opens the possibility of citizenship acquisition through a grandparent for those born outside Nigeria, whereas a grandchild of a Nigerian citizen born in the territory automatically acquires citizenship at birth (Section 25(1)(b)). The conditions for this registration are the same as those for the wife of a Nigerian citizen: good character, intention to be domiciled in Nigeria, and oath of allegiance.

3.3. Naturalization

Nigeria's laws and practices regarding the acquisition of citizenship through naturalization based on long residence are quite restrictive. In addition to requiring a residence period of 15 years,

1 Constitution of the Federal Republic of Nigeria (CFRN), 1999, Cap. C23; Laws of the Federation of Nigeria (LFN), 2004, S. 25.
2 *Shugaba v. Minister of Internal Affairs* (1981) INCLR 459.; *Ahmed v. Minister of Internal Affairs* (2002) 15 NWLR Pt 790, 239 CA.
3 CFRN (1999) S. 26(2)(a).
4 Ibid, S. 26(1).

which is lengthy by international standards, the other conditions are also challenging to fulfill. Section 27(2) of the Constitution states that:

"No person shall be qualified to apply for the grant of a certificate of naturalization unless he satisfies the President that—

(a) He is a person of full age and capacity;
(b) He is a person of good character;
(c) He has shown a clear intention to be domiciled in Nigeria;
(d) He is deemed acceptable to the local community where he resides, and has assimilated into the lifestyle of Nigerians in that part of the Federation;
(e) He has made or is capable of making useful contributions to Nigeria's advancement, progress, and well-being;
(f) He has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and
(g) He has, immediately preceding the date of his application, either—

i. resided in Nigeria for a continuous period of fifteen years, or
ii. resided in Nigeria continuously for twelve months, and during the preceding twenty years has resided in Nigeria for periods totaling not less than fifteen years."

An application for naturalization is submitted to the Ministry of the Interior, and the dossier is reviewed by various state agencies, including the State Security Service, the Immigration Service, the police, the governor of the state, the local government area chair, and others. Ultimately, the dossier is passed to the Federal Executive Council[1] for review and recommendation, with the final decision made by the president. Naturalization is not automatic for minor children of successful applicants, and a separate application must be made upon reaching majority.[2]

3.4. The Issue of Dual Citizenship in Nigerian Law

In Nigeria, citizenship legislation explicitly opposes dual nationality; thus, acquiring a foreign nationality results in the automatic loss of Nigerian citizenship. Under the 1979 Constitution, any Nigerian citizen who acquired the citizenship of another country automatically forfeited their Nigerian citizenship unless they were a citizen by birth and renounced their other citizenship by the age of twenty-one or within one year of the 1979 Constitution coming into force.[3]

However, Section 28[4] states that a person will renounce their Nigerian citizenship if they acquire or retain the citizenship of a country other than Nigeria, of which they are not a citizen by birth. Consequently, a Nigerian citizen by birth can obtain the citizenship of another nation without losing their Nigerian citizenship. Thus, the 1999 Constitution implies that dual citizenship may be permitted.

1 The Federal Executive Council, also known as cabinet members, is a branch of the Executive arm of Government, comprising the President, the Vice-President, the Secretary of the Government of the Federation, the Head of Service, and the Ministers. The Council members advise the Presidency and decide the executive level. See the *Nigeria Government Website* accessed 14 May 2020 https://nigeria.gov.ng/members-of-the-federal-executive-council/.

2 Confirmed by Nigerian National Immigration Service, Abuja, July 2014; see Bronwen Manby, 'Migration, Nationality and Statelessness in West Africa' (UNHCR and IOM, 2015) 39-40.

3 K.M. Mowoe, *Constitutional Law in Nigeria* (Malthouse Press Limited, Lagos 2008) 263.

4 CFRN, 1999, Cap. C23 LFN 2004.

In the case of *Willie Ogbeide v. Arigbe Osula*,[1] one issue before the court was whether a citizen of Nigeria by birth would lose their citizenship upon acquiring the citizenship of another country. Justice Adeniyi noted:

> *"A citizen of this country by birth never loses his citizenship even when he holds dual citizenship of another country and cannot be disqualified from contesting election into the House of Representatives solely for holding such dual citizenship. The lower tribunal, therefore, misled itself in that regard, and the answer to issue No. 4 is that Section 66(1) does not prohibit Nigerian citizens by birth from holding the citizenship of another country and contesting election for a seat in the National Assembly."*

Thus, the Constitution, and consequently Nigerian law, does not permit dual citizenship for foreigners who are not citizens of another country by birth. Any registration or naturalization of a foreign citizen is subject to the effective renunciation of citizenship or nationality of another country within twelve months of registration or naturalization.[2] According to Malemi, the Nigerian Constitution allows a foreigner who is a citizen of another nation by birth to also be a citizen of Nigeria by registration or naturalization. Therefore, Nigerian law does not authorize dual citizenship for foreigners who are not naturalized citizens of another nation.

4. Outline of other Countries' Provisions on Loss of Citizenship

In other countries, the methods by which citizens lose their citizenship vary significantly:

4.1. Citizenship Laws in the Islamic Republic of Iran

In the Islamic Republic of Iran, the renunciation of nationality is subject to several conditions.[3] Although the age of majority in Iran is under 18,[4] the minimum age for renunciation of citizenship is set at 25. Under Article 13 of the Citizenship Act of 1929, the legal age for renouncing Iranian citizenship was 18,[5] but this was deemed insufficient by the new legislature,[6] influenced partly by military service requirements.[7]

The second requirement for a renunciation application is the permission of the Council of Ministers, which is the sole authorized body for this matter. No other authority can interfere with its decisions. However, the 1967 Cabinet Resolution allows the Ministry of Foreign Affairs to review documents and decide on applications.[8] This decision is discretionary, meaning the authorized body can reject an application.[9]

The third requirement is that applicants must have performed or completed military service,

1 *Willie Ogbeide v. ArigbeOsula* (2004) 12 NWLR Pt 886, 138, per Adeniji J.C.A (pp 50-51) paragraphs a-d.
2 Ibid, S. 28(2).
3 Civil Code of the Islamic Republic of Iran, 23 May 1928, Art. 988.
4 Behshid Arefnia, *International Private Law*, 5th ed (Aqiq Publication, Tehran 1995) 110.
5 Mohamad Nasiri, *International Private Law*, 1st ed (Agah Publication, Tehran 1993) 76.
6 Behshid Arfania, *International Private Law*, 5th. Ed, (Tehran: *Aqiq* publication, 1995), page 110.
7 Mahmoud Saljooghi, *The Rules of International Private Law*, 1st ed (Mizan Publication, Tehran 2001) 95.
8 Arefnia, Op. Cit., (1995) 110.
9 Seyed Mohsen Sheykholeslami, *International Private Law*, 1st ed (2004) 64.

as stipulated in Paragraph 4 of Article 988 of the Civil Code. Women and holders of exemption cards are exempt from this condition.[1]

Additionally, a person applying for renunciation of citizenship must relinquish all rights to immovable property in Iran or any rights they may inherit from an Iranian national within one year of renunciation. This requirement is particularly interesting, as it mandates that individuals renouncing Iranian nationality surrender rights even to assets legally permitted for foreign ownership. It has been argued that a person uninterested in their homeland is more foreign to a country than a foreigner.[2]

4.2. Citizenship Laws in Iraq

In Iraq, according to Article 11,[3] an Iraqi national who voluntarily acquires a foreign nationality loses their Iraqi nationality. However, if they return to Iraq legally and reside there for one year, they can apply to restore their Iraqi nationality.

Under Article 12,[4] if an alien woman marries an Iraqi national, she acquires Iraqi nationality upon ministerial approval. She can renounce this nationality within three years of her husband's death, divorce, or separation. If the foreign woman is not of Arab nationality, she can only acquire her Iraqi husband's nationality after three years of marriage and residing in Iraq during that time.

If an Iraqi woman marries a foreigner who later acquires a foreign nationality, she loses her Iraqi nationality if she voluntarily acquires her husband's nationality. However, she can restore her Iraqi nationality if her husband dies, they divorce, or the marriage dissolves. A foreign woman married to an Iraqi national can only acquire Iraqi nationality through her husband.

Article 13[5] states that if an alien acquires Iraqi nationality, their children also become Iraqi nationals. However, if an Iraqi national loses their nationality, their children under the age of majority will also lose it but can apply to restore it within a year of reaching majority while residing in Iraq. Children of Iraqi nationals who lost their nationality under specific laws are not eligible for this provision.

Article 18[6] allows the Minister to withdraw Iraqi nationality from an alien who has acquired it if they return to their original nationality while abroad. Article 19[7] permits withdrawal if the person engages in actions deemed dangerous to the state's security. Article 20[8] outlines cases where the Minister may withdraw Iraqi nationality from an Iraqi national, including joining foreign military service without permission, working for a foreign government or organization, or joining a group abroad aimed at undermining the state's social and economic system. Finally, Article 21[9] stipulates that an Iraqi who loses their nationality remains subject to duties and obligations incurred before losing it.

1 Javad Ameri, *International Private Law*, 2nd ed (Agah Publication, Tehran 1983) 63.
2 Sheykholeslami, Op. Cit., (2004) 63.
3 Law No. (46) of 1963 - Iraqi Nationality, S. 11.
4 Ibid, S. 12.
5 Ibid, S. 13(2).
6 Ibid, S. 18.
7 Ibid, S. 19.
8 Ibid, S. 20.
9 Ibid, S. 21.

4.3. Citizenship Laws in Canada

In Canada, the current Citizenship Act contains provisions similar to those originally proposed in Bill C-425. The fast-tracking of citizenship acquisition for members of the Canadian Armed Forces has received little public scrutiny.[1] However, the revocation of Canadian citizenship is a highly contentious issue. Specifically, the Minister's office can now revoke the citizenship of dual citizens engaged in actions contrary to Canada's national interests (e.g., high treason, terrorism, espionage) or if they are charged outside Canada with an offense that would be considered serious if committed within Canada.

This provision disproportionately targets dual citizens, including those born on Canadian soil, and poses a threat of banishment and exile. This distinction suggests that trying someone for treason implies, "You have turned your back on your country," while revoking citizenship suggests, "This is not your country."[2] While single-citizenship Canadians could only be tried for the former, dual-citizenship Canadians face the latter threat, highlighting the contested belonging of dual citizens.

According to Macklin (2014: 1), this creates "an unconstitutional regime that violates multiple sections of the Canadian Charter of Rights and Freedoms." The Canadian Bar Association (CBA) notes that the current legislation creates four classes of citizens:

1. **Canadian-born citizens without another nationality**: These 'true' citizens have secure status, with no proposed mechanism for revoking their citizenship, even for serious crimes.
2. **Naturalized citizens without another nationality**: These citizens risk losing their citizenship only if it was obtained through misrepresentation.
3. **Canadian-born citizens with another nationality**: Apart from misrepresentation, they are subject to the full range of revocation provisions.
4. **Naturalized citizens with another nationality**: These 'third-class' citizens face the full range of retrospective revocation provisions. (Canadian Bar Association, 2014: 19).

At a symbolic level, the provision questions the authenticity and loyalty of all dual nationals. It does not only target individuals; depending on the citizenship laws of a person's country of ancestry, entire ethnic or national communities may be subjected to these provisions, resulting in differential treatment based on ethnicity or national origin, which the CBA deemed unconstitutional (2014: 19).

In public discourse, the citizenship revocation provision is often associated with 'radicals,' 'terrorists,' and 'jihadists,' particularly those identified as dual Canadians of Muslim, Arab, or Middle Eastern origin (Winter and Presivic, 2015).

The constitutionality of the new provision has been challenged in court. In June 2014,

1 Only very few individuals would be eligible. One must be a Canadian citizen to join the armed forces, although permanent residents can become reservists. However, permanent residents can join the regular forces in exceptional circumstances when the military has a need for their skills and the position cannot be filled by a Canadian citizen (Gloria Elayadathusseril. (2011). *A career with the Canadian Forces*. Canadian Immigrant. Retrievable from http://canadianimmigrant.ca/featured/a-career-with-the-canadian-forces) A laid-off British fighter pilot might immigrate to Canada and have his citizenship application fast-tracked as his/her qualification would be greatly sought after by the Canadian Armed Forces.

2 Elke Winter, *Report on Citizenship Law: Canada* (European University Institute, December 2015) 28.

lawyer Rocco Galati sued the federal government over the citizenship revocation provision of Bill C-24, focusing on its impact on Canadian-born citizens.[1] On January 22, 2015, federal court judge Donald J. Rennie rejected Galati's challenge, ruling that citizenship is not an inalienable right.[2] Galati has appealed this decision.[3]

In August 2014, the Canadian Association of Refugee Lawyers and the British Columbia Civil Liberties Association launched a constitutional challenge, arguing that the Act creates second-class citizenship. Despite these challenges, the law took effect on May 29, 2015, allowing the government to revoke the citizenship of dual citizens engaged in actions contrary to Canada's national interests. Hiva Alizadeh, a dual citizen of Canada and Iran serving a prison sentence for terrorist offenses, became the first individual threatened with revocation of Canadian citizenship under this law (Bell, 2015; White, 2015). As of the latest updates, Saad Khalid, imprisoned for his involvement in the Toronto 18 plot, is still contesting the revocation of his citizenship. Although the incoming Trudeau administration promised to repeal the law, it may be too late for those who have already lost their Canadian citizenship, such as Toronto leader Zakaria Amar.

4.4. Citizenship Laws in Greece

In Greece, the legal framework outlines specific circumstances under which an individual may lose their Greek citizenship. **Article 16**[4] addresses situations where acquiring foreign citizenship or holding a position in a foreign state's public sector can lead to the loss of Greek citizenship. This provision reflects the principle of loyalty to the Greek state and aims to prevent potential conflicts of interest.

Article 17[5] focuses on cases where Greek citizenship can be revoked if an individual's actions are deemed to be against the interests of Greece while they are in a foreign country. This provision underscores the importance of upholding Greece's reputation and safeguarding its national interests, even when individuals are abroad.

Article 18[6] provides a mechanism for individuals to voluntarily renounce their Greek citizenship through a written declaration submitted to the Greek Consul abroad. This option allows individuals to make a conscious decision to relinquish their citizenship for personal or practical reasons, emphasizing individual autonomy in matters of nationality.

Regarding children of foreign nationals who acquired Greek citizenship before reaching adulthood, **Article 19**[7] allows them to renounce their citizenship within a specified timeframe by submitting a declaration to the relevant authorities. This provision recognizes the unique circumstances of individuals who may have acquired citizenship involuntarily due to their parents' status, providing them with a pathway to make their own choices regarding nationality.

In cases where a Greek citizen is adopted by a foreign national before reaching adulthood,

1 See *Galati v Canada (Minister of Citizenship & Immigration)*, Legal Challenge T-1474-14 (2014).
2 See *Galati v Canada (Governor General)*, Court Decision 2015 FC 91 (2015).
3 See *Rocco Galati et al v His Excellency the Right Honourable Governor General*, Appeal Court File No A-52-15 (2015).
4 *Greek Citizenship Code*, Chapter B, Art 16.
5 Ibid, art. 17.
6 Ibid, art. 18.
7 Ibid, art. 19.

Article 20[1] permits them to renounce their Greek citizenship if they assume the adoptee's citizenship with the Minister of the Interior's approval. This provision acknowledges the complexities that may arise from international adoptions and ensures that individuals have a clear process for managing their citizenship status in such situations.

Finally, **Article 21**[2] addresses scenarios where a foreign national acquired Greek citizenship through marriage and wishes to renounce it while maintaining their original citizenship. By declaring their intention to the appropriate authorities, individuals can navigate the implications of their marital status on their citizenship rights, highlighting the intersection of personal relationships and legal status in matters of nationality.

4.5. Citizenship Laws in Germany

In Germany, the latest amendment to the nationality law has enhanced the acceptance of dual nationality.[3] However, elements exist that seek to limit the effects of dual nationality in the long run. The 2000 reform abolished the national clause (*Inlandsklausel*), meaning that since January 1, 2000, acquiring a foreign nationality based on an application leads to the automatic loss of German nationality, even if the individual retains domicile in Germany.

Further, the automatic loss of German nationality also occurs from voluntary entry into a foreign army without permission from the German Ministry of Defence if the individual possesses the nationality of that foreign state in addition to German nationality. The modes of losing German nationality were largely unchanged by the 1999/2000 reform; loss can occur through a request for release from citizenship when applying for a foreign nationality, voluntary renunciation by a dual national, or through adoption by a foreign national, if the foreign nationality is thereby acquired.

The 2009 reform introduced qualifications regarding withdrawal and loss of nationality, particularly affecting children. According to Section 17 of the Nationality Act, children may only lose their German nationality up to the age of five. The amendment also clarified that naturalization may only be withdrawn based on illegal acquisition, such as deceit or corruption, and only five years after completing the naturalization procedure. Despite these reforms, the general modes of losing German nationality have largely remained unchanged.

4.6. Citizenship Laws in Italy

In Italy, the legal framework governing citizenship reflects a comprehensive approach to the loss of citizenship.[4] Article 11 stipulates that an Italian citizen who holds or acquires foreign citizenship retains their Italian citizenship but has the option to renounce the foreign citizenship while residing abroad. This underscores the recognition of dual citizenship and individual choice regarding citizenship status.

Article 12[5] outlines that an Italian citizen will lose their citizenship if they accept public employment or military service from a foreign state and fail to comply with a request from the

1 Ibid, art. 20.
2 Ibid, art. 21.
3 For clarity, see Farahat and Hailbronner, Op. Cit., (2020) 17-22.
4 *Italian Citizenship Code*, Law No 91/92 (1992) arts. 11 and 12.
5 Ibid, art. 12(2).

Italian Government to renounce such roles within a specified period. This provision reflects the state's interest in maintaining loyalty and preventing conflicts of interest.

Furthermore, during a war with a foreign state, an Italian citizen who accepts public employment or fails to renounce such roles will lose their citizenship upon the cessation of war. The Italian nationality system emphasizes the balance between individual rights and state interests regarding citizenship.

Now, let's examine the provisions in Nigeria regarding the loss of citizenship:

5. Loss of Citizenship in Nigeria

The Nigerian nationality legislation outlines two ways in which a citizen can lose their citizenship: voluntary and involuntary. Let's explore each of these in more detail.

5.1. Renunciation of Citizenship in Nigeria

Renunciation,[1] as a voluntary mode of losing Nigerian citizenship, is provided in the Citizenship Act as follows: Any person of full age and capacity[2] who is a citizen of Nigeria and is also a citizen of another country[3] may renounce their Nigerian citizenship through a declaration made in the prescribed manner.[4] Such a declaration is ineffective unless registered. The President must register this declaration, and upon registration, the declarant ceases to be a citizen of Nigeria.[5] However, the President has the discretion to withhold registration of a declaration made during a war in which Nigeria is engaged or if it is deemed contrary to public policy.[6]

In Nigerian law, marriage does not affect citizenship or nationality. Therefore, a married woman is competent to make a declaration of renunciation and is regarded as of full age[7] for this purpose. Additionally, the renunciation of citizenship does not absolve an individual from liability for any offenses committed before the registration of their declaration.[8]

5.2. Deprivation of Citizenship

The involuntary mode of losing citizenship, known as deprivation, is at the discretion of the President, who may by order deprive a person of their citizenship.[9] Notably, there is an absence of a quasi-judicial inquiry in cases of intended withdrawal of citizenship. The citizenship of the wife or children of a person against whom an order for deprivation has been made remains unaffected. The President lacks the power to deprive a wife or child of citizenship solely because the husband or father has been deprived.

The deprivation of citizenship does not affect an individual's liability for offenses committed before the order of deprivation.

5.2.1. Grounds for Deprivation

The Nigerian Citizenship Act provides several grounds for deprivation of citizenship applicable to different categories of citizens, aligning with the legislation's aim to minimize dual citizenship.

1 CFRN, 1999, Cap. C. 23; LFN, 2004, S. 29.
2 For definition see, *Nigerian Citizenship Act 1960*, s 2(3) and (4).
3 For definition see, ibid s. 2(1).
4 No form has yet been prescribed.
5 *Nigerian Citizenship Act* as amended s 7(1).
6 Ibid, proviso.
7 *Nigerian Citizenship Act 1960*, s 7(2).
8 *Nigerian Citizenship Act 1960*, s 11.
9 CFRN, 1999, Cap. C23; LFN, 2004, s.30.

Two grounds for deprivation are specified in Section 8(1) of the Act of 1960:

1. Deprivation applies to any citizen other than one who is a citizen by birth in Nigeria. This exclusion also applies to citizens by registration under Section 8(1) of the Constitution or Section 3a(1) of the Act, raising questions about the legislative intent regarding citizens by registration.[1]
2. The grounds apply to citizens by registration, descent, and naturalization, specifically targeting those who, while being citizens of Nigeria and of full age and capacity, have:
    - Acquired the nationality of a foreign country by any voluntary act other than marriage.
    - Voluntarily claimed rights in a foreign country that are exclusive to its citizens.

Before the President makes a deprivation order, they must be satisfied that the acts have been committed and that it is not conducive to the public good for the individual to continue as a citizen of Nigeria. The acts must have occurred while the person was a Nigerian citizen, and the individual must have been of full age and capacity at that time. Notably, minors and persons of unsound mind cannot be deprived of citizenship under these grounds. Additionally, a married woman is regarded as a *feme sole* for these provisions, and the acquisition of foreign nationality solely due to marriage is expressly excluded.

Both grounds for deprivation stress that the acts leading to loss of citizenship must be voluntary, falling within the sphere of free choice. The extent of influence that removes an act from this sphere can vary based on the nature of the act. It is not necessary for the individual to fully understand the legal consequences of their actions.[2]

5.3. Other Grounds for Deprivation of Citizenship

5.3.1. Section 8 (2) of the Citizenship Act

An additional ground for deprivation is outlined in Section 8 (2) of the Act of 1960. This section applies to any citizen of Nigeria of full age and capacity who, upon ceasing to be a citizen of Nigeria, will become a citizen of another Commonwealth country, the Republic of Ireland, or a foreign country. In this case, the President has the authority to require the individual to renounce their other nationality. If they fail to do so within a specified timeframe, the Minister may issue an order depriving them of their Nigerian citizenship. Upon the issuance of this order, the individual ceases to be a citizen of Nigeria.

This provision primarily aims to reduce the incidence of dual or multiple citizenships, aligning with the broader intent of Nigerian citizenship legislation. Although Section 13 of the Constitution addresses similar concerns, it specifically applies only to individuals who acquired Nigerian citizenship before turning twenty-one.

Notably, this provision includes citizens by birth who also possess the citizenship or nationality of another country. The legislative framework expressly excludes citizens by birth

1 See *Nigerian Citizenship Act 1960*, as amended, s 3(c) which refers to such citizen as one "who by reason of his birth in Nigeria... become a citizen of Nigeria by registration".

2 For more explanations these grounds of deprivation, see: A V J Nylander, *Nationality, Citizenship and Domicile in The Laws of Nigeria* (ProQuest LLC 2018) 205-225.

from deprivation provisions. It could be argued that Parliament intended to amend Section 16(b) of the Constitution to expand its legislative powers, but courts may be reluctant to accept this view, especially since it contradicts Section 18 of the Act, which states that the Act's provisions must align with the Constitution. That Parliament has no intention of increasing its legislative power is shown by the fact that the Republican Constitution, which came into force after the enactment of the Act of 1960, provided for the legislative power of deprivation of citizenship in the same way as did the Federal Constitution, 1960.[1] It is submitted that Parliament did not intend to enlarge its legislative powers of deprivation to include citizens by birth, and section 6 (2) of the act is to be read as excluding such citizens.

5.3.2. Presidential Powers of Deprivation

The President's powers regarding deprivation differ based on the category of citizenship—registration or naturalization.[2] A citizen by registration may only lose their citizenship due to misconduct in obtaining registration, while a citizen by naturalization may face broader grounds for deprivation.[3]

Before issuing an order of deprivation, the President must determine that it is not conducive to the public good for the individual to retain Nigerian citizenship.

- **For Citizens by Registration:** A citizen may be deprived if the President finds that their registration was obtained through fraud, false representation, or concealment of important facts.[4]
- **For Citizens by Naturalization:** A broader range of grounds applies, including if the individual:
  - Demonstrates disloyalty or disaffection towards the Government of Nigeria.
  - Engages in unlawful trade or communication with an enemy during wartime.
  - Is sentenced to imprisonment for twelve months or more within seven years of naturalization.[5]
  - Resides abroad continuously[6] for seven years without registering at a Nigerian consulate[7] or notifying the Minister of their intent to retain Nigerian citizenship.[8]

6. The Issue of Statelessness in Nigeria

In Nigeria, the citizenship legislation[9] contemplates the condition of statelessness and assimilates stateless individuals to aliens. The Nigerian Citizenship Regulations of 1961[10] allow stateless persons to apply for naturalization.[11] However, there are no specific provisions in Nigerian

1 See *Federal Constitution*, s 15(b); *Republican Constitution*, s 16(b).
2 *Nigerian Citizenship Act 1960*, s 9(1).
3 Ibid, s 9(5).
4 Ibid, s 9(2).
5 Ibid, s 9(3).
6 For definition, see *Nigerian Citizenship Act 1960*, s 2(1).
7 Not yet prescribed
8 *Nigerian Citizenship Act 1960*, s 9(4).
9 For a detailed explanation of the topic, see A V J Nylander, *Nationality, Citizenship, and Domicile in The Laws of Nigeria* (ProQuest LLC 2018) 234.
10 L N 11 of 1961, Second Schedule Form A.
11 *Nigerian Citizenship Act 1960*, s 6.

citizenship law aimed at reducing or eliminating statelessness. The law does, however, consider the possibility of statelessness in the context of renouncing Nigerian citizenship, allowing only those who are also citizens of another country to renounce their Nigerian citizenship.[1]

While Nigeria does not have specific laws addressing statelessness, the issue is covered under various international conventions to which Nigeria is a party. Notably, Nigeria is a signatory to the 1954 Convention relating to the Status of Stateless Persons[2] and the 1961 Convention on the Reduction of Statelessness,[3] which provide principles for preventing and reducing statelessness. However, Nigeria has not yet acceded to the 1951[4] Refugee Convention, which also addresses issues related to statelessness.

6.1. The Citizenship of Those Affected by the ICJ Judgment on the Nigeria-Cameroon Border

During the colonial era, the establishment of a precise boundary between the British Colony and Protectorate of Nigeria and the Northern and Southern Cameroons, which were mandated to Britain by the League of Nations in 1919, was not deemed essential. This was largely because the mandated territories were administered from Nigeria.[5] The resource-rich Bakassi Peninsula, located at the southern edge of the border between Nigeria and Cameroon and extending into the Gulf of Guinea, continued to be governed by Nigeria post-independence and is listed among the 774 local government areas in the 1999 Constitution. Cameroon contested this claim to ownership, leading to escalating military confrontations between the two nations. Additionally, Cameroon asserted that Nigerian settlers had encroached upon its territory along the northern segment of the border.

In 1994, Cameroon brought the border disputes before the International Court of Justice (ICJ). In its final judgment rendered in 2002, the ICJ awarded sovereignty over the Bakassi Peninsula to Cameroon and also transferred additional territories near Lake Chad.[6] Notably, the court refrained from addressing the nationality of individuals residing in the transferred regions, although international law generally presumes that nationality is linked to habitual residence unless expressly stipulated otherwise.[7]

Initially, Nigeria rejected the Efik people from the historical Calabar Kingdom—the agreement stipulated that Cameroon would uphold the fundamental rights and freedoms of Nigerian nationals. It also assured that these individuals would not be forcibly displaced from their homes nor compelled to change their nationality.[8] The formal transfer of the territory to

1 Ibid, s 7 as amended; see supra note p 106.

2 Convention relating to the Status of Stateless Persons, New York, 28 September 1954 (acceded by Nigeria on 20 September 2011).

3 Convention on the Reduction of Statelessness, New York, 30 August 1961 (acceded by Nigeria on 20 September 2011).

4 Convention and Protocol Relating to the Status of Refugees, Geneva, 28 July 1951.

5 This section draws on Manby, *Citizenship in Africa*, chapter 8.3.

6 *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v Nigeria: Equatorial Guinea intervening)*, ICJ Judgement of 10 October 2002, available at http://www.icj-cij.org/en/case/94. For a detailed history of the dispute, the court case, and its aftermath, see H V Lukong, *The Cameroon-Nigeria Border Dispute: Management and Resolution, 1981-2011* (Langaa Research & Publishing Common Initiative Group 2011).

7 ILC, *Draft Articles on Nationality of Natural Persons about the Succession of States*, art 5.

8 Greentree Agreement, art 3(2): 'Cameroon shall: a) Not force Nigerian nationals living in the Bakassi Peninsula to leave the zone or to change their nationality…'.

Cameroon occurred on August 14, 2008, although a Nigerian presence persisted during a five-year transitional period.

It appears that the understanding was that, following this transitional phase, residents of the transferred territories could acquire Cameroonian nationality and identity documents, while retaining the option to remain Nigerian with resident alien status in Cameroon or to relocate back to Nigeria.[1] Nonetheless, the legal framework governing these potential outcomes remained ambiguous. On the Nigerian side, no constitutional amendments were proposed akin to those enacted for the Northern Cameroons after post-independence referendums, which would have clarified the nationality status of individuals who relocated to Nigeria from the territories that were subsequently recognized as part of Cameroon. Furthermore, no actions were taken to ensure continued recognition of Nigerian citizenship for those whose residences now lay within Cameroon.

The government of Cross River State in Nigeria attempted to establish a new local government area for the displaced Bakassi residents, despite lacking constitutional authority to do so, and provided or facilitated some humanitarian assistance.[2] However, former Bakassi residents were denied the right to vote in various elections, as their registered locations no longer existed, leading to litigation by the Independent National Electoral Commission on this matter.[3] In February 2014, Nigerian Attorney General and Minister of Justice, Mr. Mohammed Adoke, remarked at the opening of the 32nd Session of the Mixed Commission that those affected by the judgment who wished to retain Nigerian citizenship should "apply for Nigerian citizenship," suggesting a need for naturalization rather than acknowledgment of their original nationality by birth.[4] Since that time, the status of the Bakassi people remains unresolved, leaving them in a state of "near statelessness."

Those Bakassi residents who now inhabit the Cameroonian side of the border reportedly face taxation and are treated as foreigners by Cameroonian authorities. Lacking Cameroonian national identity documents, they encounter significant challenges regarding freedom of movement.[5]

6.2. Action Against Statelessness in Nigeria

Nigeria is a party to nearly all relevant international conventions and African instruments concerning the right to nationality. In 2011, it acceded to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness,[6] becoming

1 'Bakassi - more than one place, more than one problem', IRIN, 13 November 2007; *Le temps des réalisations: Bulletin mensuel bilingue d'informations* N° 14, Special Edition on Bakassi, Government of Cameroon, August/September 2013.

2 The National Commission for Refugees, Migrants, and Internally Displaced Persons was reported by the Cross River State government to have distributed relief supplies to more than 1,500 households in two local government areas in the state: 'Bakassi, Akpabuyo Refugees Get Relief from Refugees Commission', Cross River State government, 29 July 2013.

3 Chidi Anselm Odinkalu, 'Stateless in Bakassi: How a Changed Border Left Inhabitants Adrift', Open Society Foundations, 2 April 2012, available at https://www.opensocietyfoundations.org/voices/stateless-bakassi-how-changed-border-left-inhabitants-adrift; Jude Okwe, 'INEC - Bakassi May Not Participate in 2015 Elections', *This Day* (Abuja), 4 April 2014.

4 Dele Ogbodo, 'Greentree Agreement: FG Advises Bakassi Indigenes to Apply for Nigerian Citizenship', *This Day*, 3 February 2014.

5 Hindatu Maigari Yerima and Ranjit Singh, 'The Bakassi Dispute: People's Dynamics and the Rise of Militancy', *Journal of Humanities and Social Science* (IOSR-JHSS) Vol 22, Issue 1, Ver 6 (Jan 2017) 67-70, at 69.

6 Ratification status for UN human rights treaties http://indicators.ohchr.org/; for the Statelessness Conventions https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en; and for the African Union https://au.int/en/treaties.

the first state in the West African sub-region to do so.[1] However, Nigeria has yet to domesticate these conventions to give them legal force within the country.[2]

At the regional level, Nigeria participated in the Economic Community of West African States (ECOWAS) adoption of the Abidjan Declaration on the Eradication of Statelessness, committing to prevent and reduce statelessness by reforming constitutional, legislative, and institutional regimes related to nationality. In 2017, ECOWAS ministers meeting in Banjul adopted a Regional Plan of Action to Eradicate Statelessness in West Africa. This plan states that:

"ECOWAS, in collaboration with UNHCR and the competent institutions of the African Union, will assist Member States by adopting common standards that will guide the reform of nationality legislation, including the removal of discriminatory provisions in the transmission of nationality and the inclusion of safeguards against statelessness to ensure that every child acquires nationality at birth."[3]

The Plan of Action also emphasizes the urgent need for concrete information about the sources of statelessness, obstacles to acquiring nationality, and identification of at-risk groups.[4]

At the national level, the Nigerian government, with support from UNHCR and other stakeholders, drafted a National Plan of Action to end statelessness in 2016, which was updated in 2018. As of now,[5] this Plan of Action awaits approval from the Federal Executive Council to become an official government policy.

During the UNHCR High-Level Segment on Statelessness held in Geneva in October 2019, Nigeria pledged to develop a determination procedure to identify stateless persons, grant protection status, and facilitate appropriate solutions.[6]

Concluding Remarks

This document provides a comprehensive overview of the nationality systems concerning the acquisition and loss of citizenship in various nations, including Nigeria. It offers insights into each country's approach to dual citizenship and statelessness. Our objective is to highlight that nationality and citizenship laws, whether in Nigeria, Iran, Canada, Germany, or any other selected country, inherently possess flaws.

As demonstrated, further investigation into the nationality and citizenship regulations of these nations may reveal various strengths and weaknesses, some more pronounced than others. While challenges surrounding international private law are evolving, many countries' nationality and citizenship laws have remained stagnant for years or even decades. In some cases, these laws may not exist or may be outdated. It is difficult to comprehend how such legal

1 UNHCR, *Acceding to the UN Statelessness Conventions. Ending Statelessness within 10 Years - Good Practices Paper Action 9* (2018) 8.

2 Nigeria is a dualist State; as such, foreign treaties or international laws must first be received through an Act of the National Assembly before they are binding in Nigeria.

3 *Banjul Plan of Action of the Economic Community of West African States (ECOWAS) on the Eradication of Statelessness 2017 – 2024* (9 May 2017) Preamble, Strategic Objective 1.3.

4 Ibid, Strategic Objective 2.

5 Manby and Momoh, Op. Cit., (2020).

6 See UNHCR, *Results of the High-Level Segment on Statelessness* (14 May 2020) https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/.

issues persist in matters of international private law today, especially considering the significant progress humanity continues to achieve.

The focus of our discussion is on these vulnerabilities, how they manifest, and how scholars from each nation can be encouraged to explore effective solutions for modernizing their citizenship laws to align with current standards. We believe the most effective approach involves identifying and exchanging the laws of different nations, creating a unique synthesis of each nation's practices where applicable.

Recommendations

The responsibility lies with legal scholars, states, and international organizations to leverage the benefits of global progress. Without addressing nationality and citizenship issues—particularly the lack of dedicated acts for citizenship and statelessness—nations will continue to face constitutional challenges. Any nation whose constitutional laws fail to safeguard its citizens will experience limited progress or even stagnation.

There is a wealth of topics for analysis in this area that demand further research and scholarly articles. It would be beneficial for writers to embrace these issues and produce more comparative works on nationality and citizenship.

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